

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-288-FDW

TRAVIS REDDICK,)	
)	
Plaintiff,)	
)	
vs.)	
)	
SAMI HASSAN, et al.,)	<u>ORDER</u>
)	
Defendants.)	
)	

THIS MATTER comes before the Court on a Motion to Dismiss filed by Defendants Abhay Agarwal and Rosemary Jackson. (Doc. No. 17). After Defendants filed their motion to dismiss, Plaintiff filed the pending Motion for Leave to File an Amended Complaint, (Doc. No. 20), in which he states that he seeks to amend the Complaint to sue Defendants in their individual capacities.

First, as to Defendants' motion to dismiss, the motion to dismiss is granted to the extent that Plaintiff's claims against Defendants in their official capacities are dismissed.

As to Plaintiff's Motion for Leave to File Amended Complaint, Plaintiff may amend his Complaint, but he may not simply add allegations to his already existing Complaint, as he has done here. Rather, he must submit a proposed amended Complaint that contains all claims he intends to bring in this action against all Defendants he intends to sue. That is, a plaintiff may not amend his Complaint in piecemeal fashion. Furthermore, once Plaintiff amends his Complaint, the original Complaint will be superseded, meaning that if an amended Complaint omits claims raised in the original Complaint, the plaintiff has waived the omitted claims.

Young v. City of Mt. Ranier, 238 F.3d 567 (4th Cir. 2001).

IT IS THEREFORE ORDERED that:

- (1) Defendants' Motion to Dismiss, (Doc. No. 17), is **GRANTED** to the extent that Plaintiff's official capacity claims against Defendants are dismissed.
- (2) Plaintiff's Motion for Leave to Amend/Correct Complaint, (Doc. No. 20), is **GRANTED**, with permission to file a proposed amended Complaint in accordance with this Order.

Signed: August 13, 2017



Frank D. Whitney
Chief United States District Judge

